

REMARKSI. Introduction

In response to the Office Action dated June 24, 2009, claims 1, 10 and 19 have been amended. Claims 1-2, 4-8, 10-11, 13-17, 19-20 and 22-26 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Telephone Interview Summary

Record is made of telephone interviews that took place between Examiner Faulk and Applicants' attorney George H. Gates (Reg. No. 33,500) on September 15, 2009; September 22, 2009; and September 24, 2009. During the telephone interviews, proposed claim amendments to overcome the rejections under 35 U.S.C. §112, second paragraph, were discussed. The claim amendments herein are being submitted in response to those telephone interviews.

III. Rejections under 35 U.S.C. §112, Second Paragraph

On page (2) of the Office Action, claims 1, 2, 4-8, 10, 11, 13-17, 19, 20 and 22-26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office Action stated the following:

5. Claims 1, 2, 4-8, 10, 11, 13-17, 19, 20, 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 10 and 19 recite “

(e) triggering, in the processor, an alarm when one of the thresholds is exceeded, wherein the thresholds are set to generate the alarm based on loss of the audio signal in the data stream, or when an average level of the audio signal in the data stream is too high or too low, in order to monitor the audio presence and level within the data stream and to adjust the audio level as desired.”

Are two alarms triggered? One generated by the threshold generating an alarm based on the loss of the audio signal and one generated when one of the thresholds is exceeded? Clarity is needed. The examiner is not clear.

Applicants' attorney has amended claims 1, 10 and 19 as indicated above to overcome these rejections.

However, should issues still remain in this regard, Applicants' attorney requests that the Examiner indicate how the rejection can be overcome.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. In addition, please charge all fees to Deposit Account No. 50-0383 of The DIRECTV Group, Inc., the assignee of the present application.

Respectfully submitted,

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Todd N. Snyder
Registration No. 41,320
Attorney for Applicant

The DIRECTV Group, Inc.
CA / LA1 / A109
2230 E. Imperial Highway
El Segundo CA 90245

Telephone: (310) 964-0560